SASKATCHEWAN HUMAN RIGHTS COMMISSION

BE CODE SMART

The best way to protect yourself from discrimination and from complaints is to know and respect *The Saskatchewan Human Rights Code*.

Sexual Harassment

The Saskatchewan Human Rights Code

Promoting and protecting individual dignity and equal rights - that's the goal of *The Saskatchewan Human Rights Code*. It's the job of the Saskatchewan Human Rights Commission to discourage and eliminate discrimination against everyone under provincial jurisdication - in schools, housing, public services, contracts, publications and on the job.

It's against the law to discriminate in the workplace on the basis of:

- ancestry (includes colour and perceived race)
- nationality and place of origin
- religion and religious creed
- physical disability
- mental disability
- sex (includes pregnancy and sexual harassment)
- marital status
- family status (parent-child relationships)
- receipt of public assistance
- sexual orientation
- age (18 or more).

Individuals, private companies, school boards, trade unions, professional associations — as well as provincial and municipal governments — are subject to human rights laws. Anyone who violates the *Code* could be liable for damages that result from discrimination.

What is Sexual Harassment?

Sexual harassment is a form of discrimination that's against the law. It's unwarranted sexual conduct that interferes with rights guaranteed by *The Saskatchewan Human Rights Code*. Sexual harassment is not allowed in the workplace, at schools, colleges or universities, or in the provision of a public service. Customers in a restaurant for example, or patients seeking medical attention, or tenants renting an apartment are protected against sexual harassment.

Sexual harassment may be verbal, physical or visual. It may be one incident or a series of incidents. It is always unsolicited and unwelcome behaviour, and can take many forms, including but not limited to:

- sexual remarks
- "jokes" with sexual overtones
- a sexual advance or invitation
- displaying offensive pictures or photographs
- threats
- leering
- physical contact like touching, patting, pinching or brushing against
- sexual and physical assault.

A Power Play

Sexual harassment is an expression of power. It may be accompanied by threats, promises or abuse. Most sexual harassment occurs in the workplace. The harasser is usually someone in authority who uses his power to intimidate another. The victim often hesitates to complain for fear of reprisals or economic consequences.

The *Code's* provisions against sexual harassment do not rule out office romance, flirtation, or good-natured jesting that is accepted by both parties. Sexual harassment refers only to unwelcome behavior which the harasser knew, or should have known, would be unwanted.

Sexual Harassment... Who Says?

Men and women have different perceptions of sexual harassment. What may be a lighthearted joke to many men may be offensive to many woman. In fact, the courts have said that women are more adversely affected by sexual harassment than men. Because of the disparity in

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interpretation and the fact that sexual harassment affects men and women differently, it's critical to interpret sexual harassment as any behavior the **victim** perceives as offensive.

How Does The Victim Feel?

Victims of sexual harassment feel humiliated, ashamed, degraded, embarrassed, and angry. Sexual harassment impairs job performance, decreases job satisfaction, and causes headaches, nervousness, insomnia and anxiety attacks.

It's also wasteful. When employees have to spend time and energy dealing with sexual harassment it takes timeand energy away from the job. Sexual harassment often leads to absenteeism and high staff turnover.

If You Are An Employer...

It's up to the employer to provide a discrimination-free workplace. Whether they are aware of sexual harassment or not, employers are responsible for the actions of management and supervisory personnel, and for the harassment by non-supervisory personnel in certain circumstances. For example, if an employee is harassed by a fellow employee and the employer knows about it but doesn't intervene, the employer may also be at fault.

Employers can achieve a discrimination-free workplace by:

- establishing a code of conduct
- establishing an anti-harassment policy
- setting up a confidential complaint process for victims of sexual harassment
- making sure all employees know the policy by posting it, putting it in memo form, or in the company newsletter
- letting employees know that penalties will follow sexual harassment, including written or verbal reprimands, suspension, and termination
- establishing a monitoring system.

If You Are A Victim...

- **Tell the harasser to stop** - Make it clear to the harasser that the behavior is unwelcome. Tell them to stop the behavior immediately. You can do this verbally, in a letter, or both.
- **Tell the harasser's supervisor** - Employers have a responsibility to protect employees from sexual harassment. Complain to the harasser's supervisor. Insist that management take action.
- **Tell your union** - If there is a union in your workplace, tell your steward about the harassment. File a grievance. Encourage the union to put an anti-sexual harassment clause in the collective agreement.
- **Talk about it** - Often people who are sexually harassed are too embarrassed to tell anyone, or too afraid of the consequences. It helps to talk to a friend, relative or co-worker you trust. You may find others in your workplace have also been harassed. If you're willing to speak up, they might be too.
- **Write it down** - When you complain - whether to your supervisor, union, or the Saskatchewan Human Rights Commission - it helps to document your experience. Write down each remark or action. Try to remember the exact words used. Record dates, times, places and the names of witnesses as soon as possible after the event so the details are still fresh in your memory. Sign and date it.
- **Contact the Saskatchewan Human Rights Commission** - Commission staff investigate complaints. Sometimes victims hesitate to complain because they fear retaliation. Any form of retaliation is against the *Code*.

It's okay to bring someone with you for support when you come to the Commission office. A monetary award may be made to complainants to compensate for any loss of income, and for humiliation

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SASKATCHEWAN HUMAN RIGHTS COMMISSION

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